

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The amendments to this patent application are as follows. The Specification has been amended on Page 1 in order to correct minor typographical errors regarding prior applications. The Specification has been amended on Pages 5 and 6 regarding the polymeric material "SEP." On Page 5 "SEP" was reinserted back into this page. On Page 6, "SEP" was defined as "styrene ethylene propylene."

For all of the above reasons, the present patent application is in complete compliance with the requirements of 35 U.S.C. 132. Withdrawal of this new matter ground of rejection is respectfully requested.

The applicant comments upon the prior art rejection of the claims as follows:

The present invention is directed to a process for the production of a multilayer coextrudate with a plastic layer that has release properties with respect to adhesives, comprising locating materials producing the release properties within the

plastic layer, wherein a first web (2, 22) is provided in production of the coextrudate on one side of which a layer of adhesive (3, 23) is located, after which the plastic layer (4, 24) with the release properties follows, which is in turn bonded to a second web (5, 25); and wherein the layers of the coextrudate are coextruded simultaneously.

The present invention is also directed to a multilayer coextrudate produced in accordance with the process of the invention, wherein at least two plastic films (2,5; 22, 25) are provided, between which a layer of adhesive (3, 23) and a further layer (4, 24) that has release properties with respect to the adhesive are located.

According to the present invention, any desired release layer according to the claimed process is extruded together with the cover or top layer (first web 2, 22) and together with the adhesive layer (3, 23).

This coextrudate either can be extruded onto a carrier layer or it can be coextruded together with the carrier layer. The carrier layer is joined with the release layer.

This distinguishes the present invention also from the *DUNCAN* patent applied by the Patent Examiner. In *DUNCAN*, only a co-

extrusion of a carrier layer and an adhesive layer, or a co-extrusion of a carrier layer and a release layer is described. The co-extrusion of a three layer composite comprising a first web, an adhesive and the associated release layer is not taught, suggested, or disclosed.

It is respectfully submitted that the coextrusion of a carrier layer, an adhesive layer, and a release layer is not known from *DUNCAN*, contrary to the contention of the Patent Examiner.

The statement in *DUNCAN* cited by the Patent Examiner is as follows: (column 1 lines 39 -45): It is a further object of the invention to provide a biaxially oriented label stock product possessing a facing layer having a pressure sensitive adhesive layer material incorporated therein or applied to the surface thereof coextruded with, and peelably affixed to, a release layer having a release material incorporated therein or applied to the surface thereof adjacent the facing layer." This does not teach or suggest the claimed invention.

This statement is then stated more specifically in *DUNCAN* in column 1, in lines 62-66: In the simplest form, facing layer (a) which has been compounded with a pressure sensitive adhesive component is coextruded with release layer (b) which has been compounded with a release agent to provide an integral label stock

product."

It is respectfully submitted that this statement can be interpreted in two different ways:

1. The "facing layer" was mixed with an adhesive and is then coextruded together with the release layer.

For this purpose, there would have to be adhesives that can be mixed into a carrier web and, in this connection, ensure that the carrier web as a whole becomes sticky. Such adhesives are not available, as far as is known. In addition, it cannot be desirable that the "facing layer" is sticky on both sides, namely on the side facing the release layer and also on the top side.

Therefore, a second interpretation is much more likely:

2. The "facing layer" is brought together with an adhesive layer, and then brought into the immediate vicinity of the extrusion die of the release layer.

According to Claim 12 of the present patent application, the entire extrusion of a carrier web, an adhesive layer, and a release layer arranged on the side of the carrier web that faces away from

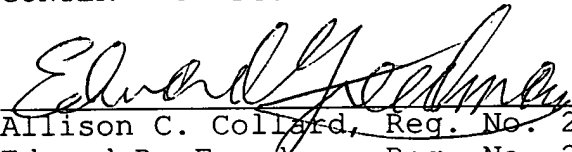
the adhesive layer, as well as a carrier web for the release layer are coextruded simultaneously.

Thus *DUNCAN* fails to teach or to suggest the claimed invention. Moreover, *DUNCAN* fails to provide an identical disclosure of the claimed invention. Hence the present invention is not anticipated under 35 U.S.C. 102. Withdrawal of this ground of rejection is respectfully requested.

In view of these amendments, it is firmly believed that the present invention, and all the claims, are patentable under 35 U.S.C. 103 over the prior art applied by the Patent Examiner.

A prompt notification of allowability is respectfully requested.

Respectfully submitted,
GÜNTER - 3- PCT

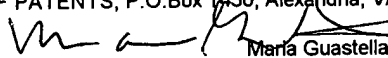

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Enclosure:

1. Copy Petition for one Month Extension Of Time
Large Entity

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: COMMISSIONER OF PATENTS, P.O.Box 1450, Alexandria, VA 22313 -1 450, on December 23, 2003.


Maria Guastella